

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CARMEN E. MARTINEZ-AYALA,

Plaintiff,

This Document Relates to MDL-1789  
Case Number: 2007-cv-4755

vs.

MERCK & CO., INC.,

Defendant.

\_\_\_\_\_ /

**AGREED MOTION TO WITHDRAW - MICHAEL B. LYNCH, ESQ.,**  
**INADVERTANTLY LISTED AS CO-COUNSEL AS A RESULT OF**  
**SCRIVENERS ERROR**

Plaintiff, CARMEN E. MARTINEZ-AYALA, by and through her undersigned counsel, files her Agreed Motion for Michael Lynch, Esq., inadvertently listed as co-counsel resulting from a scriveners error to withdraw as co-counsel of record. In support Plaintiff states as follows:

1. The Law Offices of Kim, Pardy & Rodriguez, P.A., and Eduardo Rodriguez, Esquire, of Kim, Pardy & Rodriguez, P.A., represent Plaintiff and filed Plaintiff's Complaint and Demand for Jury Trial in the above-styled action on June 4, 2007.

2. The undersigned attorney inadvertently and erroneously added Michael B. Lynch, Esquire, to the signature block of Plaintiff's Complaint as co-counsel for Plaintiff in the subject action.

3. Upon the Clerk's receipt of Plaintiff's Complaint, Michael B. Lynch, Esquire, was therefore added as co-counsel of record in the instant action.

4. On June 14, 2007, the office of the undersigned attorneys were contacted by Michael B. Lynch, Esquire, and made aware of its error.

5. This subject action was filed using a form from other litigation where Michael B. Lynch, Esq., has been co-counsel with Kim, Pardy & Rodriguez, P.A, and was inadvertently not removed from the subject Complaint prior to filing.

6. The undersigned attorneys have been co-counsel with Michael B. Lynch, Esq., in several other cases regarding “mass tort” pharmaceutical litigation. However, Michael B. Lynch, Esq., has never consulted or represented Plaintiff in the matter that is the subject of this action.

7. In addition, Michael B. Lynch, Esq., is currently employed by Levin, Papantonio, Thomas, Mitchell, Echsner & Proctor, P.A., which has never represented or consulted Plaintiff in the matter that is the subject of this action.

8. Michael B. Lynch, Esq., has executed this motion only in acknowledgement and agreement of the facts stated herein.

9. As such, withdrawal of Michael B. Lynch, Esq., is necessary and appropriate.

(REMAINDER OF PAGE LEFT PURPOSELY BLANK)

WHEREFORE, Plaintiff respectfully requests that the Court grant her Motion and permit Michael B. Lynch, Esq., to withdraw as co-counsel for record after inadvertently being listed as co-counsel for Plaintiff resulting from a scrivener's error, and all other action deemed necessary.

Date: June 15, 2007

  
\_\_\_\_\_  
MICHAEL B. LYNCH  
Florida Bar no. 668478  
316 S. Baylen St.; Suite 600  
Pensacola, FL 32502-5996  
Phone: 850/435-7184  
Fax: 850/436-6184  
Email: mlynch@levinlaw.com

\_\_\_\_\_  
/s Eduardo Rodriguez  
EDUARDO RODRIGUEZ  
Florida Bar no. 0165654  
Attorney for Plaintiff,  
CARMEN E. MARTINEZ-AYALA  
KIM, PARDY & RODRIGUEZ, P.A.  
Post Office Box 3747  
Orlando, Florida 32802-3747  
Phone: (407) 481-0066  
Fax: (407) 481-7939  
Email: [erodriguez@bellsouth.net](mailto:erodriguez@bellsouth.net)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Electronic Filing to the United States District Court of New York, Office of the Clerk, 500 Pearl Street, New York, New York, 10007 and via Electronic Mail to Michael B. Lynch, Esquire, Levin, Papantonio, et al. 316 S. Baylen Street, Suite 600, Pensacola, FL 32502-5996 on this 19th day of June, 2007.

\_\_\_\_\_  
s/Eduardo Rodriguez  
EDUARDO RODRIGUEZ  
Florida Bar Number: 0165654  
KIM, PARDY & RODRIGUEZ, P.A.  
Post Office Box 3747  
Orlando, Florida 32802-3747  
230 East Marks Street  
Orlando, Florida 32803  
Telephone: 407-481-0066  
Facsimile: 407-481-7939  
Email: [erodriguez@bellsouth.net](mailto:erodriguez@bellsouth.net)  
Attorneys for Plaintiff